

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**FRANCISCO ABELLAN VILLENA,
GUILLERMO CIUPIAK, JAMES B.
PANTHER, JR., and FAIYAZ DEAN**

Defendants.

No. 18-cv-4309 (PKC)

**PLAINTIFF'S REQUEST FOR RELIEF FROM THE COURT'S INDIVIDUAL
RULE REGARDING COURTESY COPIES AND FROM THE LOCAL RULE
REQUIRING MAILING OF PAPERS**

In response to the public health emergency, the Securities and Exchange Commission (“SEC”) has required that its employees telework, with access to the office permitted only a pre-approved, emergency basis. In addition, the states of Maryland and Virginia, where counsel for the SEC live, have strongly recommended that citizens limit non-emergency movement. As a result, for the SEC’s Motion for Default Judgment against Defendant Francisco Abellan Villena (Doc. # 87, the “Abellan Default Motion”), counsel for the SEC may not be able to provide courtesy hard copies pursuant to the Court’s Individual Rule 1.E. The SEC therefore respectfully requests relief from that requirement. In the alternative, the SEC could email all Abellan Default Motion papers to chambers, including a Word version of the proposed judgment.

In addition, the SEC requests that in connection with the Abellan Default Motion the Court grant partial relief from Local Rule 55.2(c), which requires that default papers “shall simultaneously be mailed to the party against whom a default judgment is sought.” The SEC

will make every effort to serve Abellan, including requesting that local Spanish counsel both mail the papers to Abellan's last known addresses and seek to deliver them in person. However, in light of the restrictions in this country and the complete "lockdown" in Spain, it may be difficult to accomplish this "simultaneously" with the filing. Consistent with Local Rule 55.2(c), the SEC will file a declaration describing its effort to serve Abellan as soon as practicable.

Date: March 25, 2020

/s/ Daniel Maher
Daniel Maher (*admitted pro hac vice*)
Duane Thompson (*admitted pro hac vice*)
Jennie B. Krasner
Securities and Exchange Commission
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CERTIFICATE OF SERVICE

I certify that on March 25, 2020, I caused the foregoing to be filed on ECF and to be sent by email to the following.

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Finally, I confirm that the SEC will make best efforts under the circumstances to serve the default papers on Abellan, consistent with the representations in this Request for Relief from Local Rule 55.2(c).

/s/ Daniel J. Maher
Co-Counsel for the SEC